

The Examiner further rejected Claims 15-20 under 35 U.S.C. §103(a) as being unpatentable over European Publication EP 1093889 (EP '889) in view of Yu.

It is respectfully submitted that a Terminal Disclaimer enclosed herewith overcomes the double patenting rejection over U.S. Patent No. 6,607,587.

Further, it is respectfully submitted that EP '889 is not a prior art against the instant application. EP '889 was published in April 2001. The instant application claims priority of German Application DE 100 34 016 which was filed July 13, 2000. It is respectfully submitted that a certified translation of German Application DE 100 34 016, which is submitted herewith, overcomes EP '889 as a reference in accordance with M.P.E.P. §201.15.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects, in order to place in case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed issue. Alternatively, should the Examiner feel that a personal

discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,
Alexander Zinchuk
/ **Alexander Zinchuk** /
Reg. No. 30,541
for David Toren, Reg. No. 19,468

Dated: March 3, 2004
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2004.

for David Toren **ALEXANDER ZINCHUK**

Signature: *Alexander Zinchuk*